

BROOKLYN OFFICE

X

09-CV-5587 (ARR) (VVP)

NOT FOR ELECTRONIC  
OR PRINT PUBLICATION

ORDER

X

“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002); accord Jeffries v. Verizon, No. 10–CV–2686 (JFB)(AKT), 2012 WL 4344188, at \*1 (Sept. 21, 2012) (“Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the report and recommendation without de novo review.”); see Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to

require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." ). Furthermore, I have not identified any plain error in the Report and Recommendation upon review of the record. See, e.g., Jeffries, 2012 WL 4344188, at \*1 ("[B]ecause the failure to file timely objections is not jurisdictional, the district judge can still excuse the failure to object in a timely manner and exercise its discretion to decide the case on the merits to, for example, prevent plain error." ).

I therefore adopt Judge Pohorelsky's Report and Recommendation in its entirety. Accordingly, I grant defendants' motion for summary judgment on plaintiff's defamation and tortious interference claim, but otherwise deny the parties' cross motions for summary judgment.

SO ORDERED.

/s/((ARR)

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Allyne R. Ross  
United States District Judge

Dated: January 15, 2012  
Brooklyn, New York